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10/677,004	10/01/2003	Christina Hsu	200208014-1	7237
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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER	DAO, THUY CHAN
		ART UNIT		PAPER NUMBER 2192
		NOTIFICATION DATE		DELIVERY MODE 03/28/2008 ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/677,004	<b>Applicant(s)</b> HSU ET AL.
	<b>Examiner</b> Thuy Dao	<b>Art Unit</b> 2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE .03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 December 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-165/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is responsive to the amendment filed on December 17, 2007.
2. Claims 1-24 have been examined.

#### **Response to Amendments**

3. Per Applicants' request, claims 1, 8, 15, and 22 have been amended.
4. The objection to the specification is withdrawn in view of Applicants' amendments.

#### **Claim Objections**

5. In the instant amendments, the Applicants added new limitations "a cached configuration file that originated from a backend data store" (e.g., claim 1, line 8) without pointing out the support and argued as an allowable subject matter (Remarks, pp. 17-18).

After further consideration, the examiner notes that the originally filed disclosure merely discloses:

"[0037] The configurator 210 may have the purpose of providing a centralized way of loading startup objects that may be required during the operation of the web application 204. For example, the configurator 210 may be adapted to load data from the configuration file or files 212 upon execution of the init() method of the controller 208. Data loaded by the configurator 210 may be stored in one or more configuration files 212, which may comprise one or more text properties configuration files or the like. After data from the configuration file or files 212 is loaded by the configurator 210, the data may be stored as a singleton object 214. A singleton object is an object that exists in memory such that only one of that type of object exists at any time in memory. Once created, a singleton object is not destroyed after use, like most objects, but is kept in memory until accessed again" (i.e., the data loaded by the configurator is cached and stored as a

singleton object 214, but not the configuration file(s) 212 is cached – please see more in FIG. 2, emphasis added).

The examiner notes that if the Applicants appear to equate "Singleton object" 214 as "cached configuration file", then the subsequent limitations "wherin the configurator stores the configuration information [from said cached configuration file] for subsequent access" would not have any support from the originally filed disclosure (stores said configuration information where?).

That is to say, the originally filed disclosure does not fully support the limitation "a cached configuration file" – emphasis added.

Under the principles of compact prosecution, claims 1, 8, 15, and 22 have been examined as currently present as the Examiner anticipates the Applicants, in the next communication with the Office, will either point out the support text/figure or amend the claims to obviate a potential 35 USC §112 rejection.

#### **Response to Arguments**

6. Applicants' arguments have been considered. After further consideration, the examiner notes that Hutsch also teaches the newly added limitations as applied in details below.

#### **Claim Rejections – 35 USC § 101**

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. As set forth in the previous Office action mailed September 12, 2007, January 26, 2007 and August 7, 2006, claims 1-7 and 15-21 are rejected because the claimed invention is directed to non-statutory subject matter. They amount to Functional Descriptive Material: "Data Structures" representing descriptive material per se or "Computer Programs" representing computer listings per se.

**Claims 1 and 15:**

Claims 1 and 15 recite "A system for creating web applications ...", which may comprise only software components (i.e., "*a controller generator*" 102 and "*a configurator generator*" 116, which can be implemented as a Servlet, [0019], lines 7-10).

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory (emphasis added).

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions (emphasis added). See MPEP 2106.01(I).

**Claims 2-7 and 16-21:**

Claims 2-7 and 15-21 further recite functional descriptions of said software components and do not remedy the deficiencies of independent claims 1 and 15, respectively.

Under the principles of compact prosecution, claims 1-7 and 15-21 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC § 101 issues. For example (for proposal only), - -A system stored on a machine readable medium for creating web applications, ...- - as similarly recited in independent claim 22 (lines 2 and 6).

#### **Claim Rejections – 35 USC § 102**

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutsch (art of record, US Patent Publication No. 2001/0034771 A1).

#### **Claim 1:**

Hutsch discloses a *system for creating web applications* (e.g., FIG. 3A, [0115]; FIG. 8, [0234-0245]), *the system comprising:*

*a controller generator that is adapted to provide a web application with a controller that receives a request for data from a user and responds to the request by sending information to the user* (e.g., FIG. 8, Web Server 320 provides web applications to Client Browser 304 after receiving HTTP request, [0237-0245]; [0178-0181]); *and*

*a configurator generator that is adapted to provide a configurator that loads configuration information for use by the controller from a cached configuration file* (e.g., [0239], FIG. 8, Configuration Service 336 having configuration information,

[0156]; configuration information stored in user/application profiles, [0310]-[0318]; user/application profiles as XML files, [0321]-[0323]);

*that originated from a backend data store (e.g., FIG. 15, Configuration Back End Databases 337, [0326]; Cache 1560 for data originated from the Configuration Back End Databases 337, [0346-0356]); FIG. 8, block 336), and*

*wherein the configurator stores the configuration information for subsequent access (e.g., FIG. 8, storing the configuration information from user/application profiles in Configuration Service 336 to Profiling Service Configuration File 802 for subsequent access, [0239]).*

**Claim 2:**

The rejection of claim 1 is incorporated. Hutsch also discloses *the configuration file is a text properties configuration file (e.g., [0029]).*

**Claim 3:**

The rejection of claim 1 is incorporated. Hutsch also discloses *the configurator is adapted to store the configuration information as a singleton object (e.g., [0239], [0327-0329]).*

**Claim 4:**

The rejection of claim 1 is incorporated. Hutsch also discloses *the configuration information comprises error handling information (e.g., [0460]).*

**Claim 5:**

The rejection of claim 1 is incorporated. Hutsch also discloses *the configuration information comprises log processing information (e.g., [0409]).*

**Claim 6:**

The rejection of claim 1 is incorporated. Hutsch also discloses *the configuration information comprises data that is specific to each of a plurality of portals* (e.g., [0021-0023]).

**Claim 7:**

The rejection of claim 1 is incorporated. Hutsch also discloses *the configurator is adapted to read the configuration information upon initialization of the controller* (e.g., [0239]).

**Claim 8:**

Hutsch discloses a *method of creating web applications, the method comprising: creating, with a processor-based device, a controller that receives a request for data from a user and responds to the request by sending information to the user* (e.g., FIG. 8, Web Server 320 provides web applications to Client Browser 304 after receiving HTTP request, [0237-0245]; [0178-0181]); and

*providing a configurator that loads configuration information for use by the controller from a cached configuration file and wherein the configurator stores the configuration information for subsequent access* (e.g., [0239], Configuration Service 336 having configuration information, [0156]; configuration information stored in user/application profiles, [0310]-[0318]; user/application profiles as XML files, [0321]-[0323]);

*the cached configuration file that originated from a backend data store* (e.g., FIG. 15, Configuration Back End Databases 337, [0326]; Cache 1560 for data originated from the Configuration Back End Databases 337, [0346-0356]); caching configuration information for subsequent access, [0327-0329]).

**Claim 9:**

The rejection of claim 8 is incorporated. Hutsch also discloses *defining the configuration file to be a text properties configuration file* (e.g., [0029]).

**Claim 10:**

The rejection of claim 8 is incorporated. Hutsch also discloses *adapting the configurator to store the configuration information as a singleton object* (e.g., [0239], [0327-0329]).

**Claim 11:**

The rejection of claim 8 is incorporated. Hutsch also discloses *defining the configuration information to comprise error handling information* (e.g., [0460]).

**Claim 12:**

The rejection of claim 8 is incorporated. Hutsch also discloses *defining the configuration information to comprise log processing information* (e.g., [0409]).

**Claim 13:**

The rejection of claim 8 is incorporated. Hutsch also discloses *defining the configuration information to comprise data that is specific to each of a plurality of portals* (e.g., [0021-0023]).

**Claim 14:**

The rejection of claim 8 is incorporated. Hutsch also discloses *adapting the configurator to read the configuration information upon initialization of the controller* (e.g., [0239]).

**Claim 15:**

Hutsch discloses a system for creating web applications, the system comprising:  
*means for creating a controller that is adapted to receive a request for data from a user and respond to the request* (e.g., FIG. 8, Web Server 320 provides web applications to Client Browser 304 after receiving HTTP request, [0237-0245]; [0178-0181]); and

*means for creating a configurator that loads configuration information for use by the controller from a cached configuration file and wherein the configurator stores the configuration information for subsequent access (e.g., [0239]; FIG. 8, Configuration Service 336 having configuration information, [0156]; configuration information stored in user/application profiles, [0310]-[0318]; user/application profiles as XML files, [0321]-[0323]; [0239])*

*the cached configuration file that originated from a backend data store (e.g., FIG. 15, Configuration Back End Databases 337, [0326]; Cache 1560 for data originated from the Configuration Back End Databases 337, [0346-0356]); caching configuration information for subsequent access, [0239], [0327-0329].*

**Claim 16:**

The rejection of claim 15 is incorporated. Hutsch also discloses *the configuration file is a text properties configuration file* (e.g., [0029]).

**Claim 17:**

The rejection of claim 15 is incorporated. Hutsch also discloses *the configurator is adapted to store the configuration information as a singleton object* (e.g., [0239], [0327-0329]).

**Claim 18:**

The rejection of claim 15 is incorporated. Hutsch also discloses *the configuration information comprises error handling information* (e.g., [0460]).

**Claim 19:**

The rejection of claim 15 is incorporated. Hutsch also discloses *the configuration information comprises log processing information* (e.g., [0409]).

**Claim 20:**

The rejection of claim 15 is incorporated. Hutsch also discloses *the configuration information comprises data that is specific to each of a plurality of portals* (e.g., [0021-0023]).

**Claim 21:**

The rejection of claim 15 is incorporated. Hutsch also discloses *the configurator is adapted to read the configuration information upon initialization of the controller* (e.g., [0239]).

**Claim 22:**

Hutsch discloses a *machine readable medium, comprising:*

*a controller generator stored on the machine readable medium, the controller generator being adapted to provide a web application with a controller that receives a request for data from a user and responds to the request by sending information to the user* (e.g., FIG. 8, Web Server 320 provides web applications to Client Browser 304 after receiving HTTP request, [0237-0245]; [0178-0181]); and

*a configurator generator stored on the machine readable medium, the configurator generator being adapted to provide a configurator that loads configuration information for use by the controller from a cached configuration file and wherein the configurator stores the configuration information for subsequent access* (e.g., [0239], FIG. 8, Configuration Service 336 having configuration information, [0156]; configuration information stored in user/application profiles, [0310]-[0318]; user/application profiles as XML files, [0321]-[0323]; [0239]);

*the cached configuration file that originated from a backend data store* (e.g., FIG. 15, Configuration Back End Databases 337, [0326]; Cache 1560 for data originated from the Configuration Back End Databases 337, [0346-0356]); caching configuration information for subsequent access, [0239], [0327-0329]).

**Claim 23:**

The rejection of claim 22 is incorporated. Hutsch also discloses *the configurator generator is adapted to produce a configurator that stores the configuration information as a singleton object* (e.g., [0239], [0327-0329]).

**Claim 24:**

The rejection of claim 22 is incorporated. Hutsch also discloses *the configurator generator is adapted to produce a configurator that reads the configuration information upon initialization of the controller* (e.g., [0239]).

**Conclusion**

11. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T Dao/

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192